

Appl. No. 10/643,932

REMARKS

Claims 2-21 remain in the application. Claims 2-6, 11 and 13 are amended herein. Claim 1 is cancelled.

The Examiner rejected claims 1-3 under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 3,640,832 to *Kurz*. *Kurz* discloses a heat insulating material comprising a carrier sheet having a vapor-deposited, reflecting metal layer thereon. The metal layer is covered by a coating applied by spraying (see column 2, lines 46-49). Contrary to Examiner's statement, *Kurz* does not teach nor suggest to provide an insulative material comprising an outer polyester sheet, a plastic backing and an aluminum film between the polyester sheet and the plastic backing, wherein the polyester sheet has a high smoothness such that the aluminum film is substantially uniformly coated thereon. Nevertheless, in order to narrow the issues and expedite the prosecution of the present application towards the allowance, Applicant has cancelled claim 1 and modified the dependency of claims 2-3. Claims 4-5 have been amended to include the wording of former claim 1. Claims 2-3 have been made dependent upon claim 5. Claims 2 and 3 are believed to be patentable, at least because they are dependent upon allowable claim 5. Reconsideration of the Examiner's rejection of claims 2 and 3 is solicited.

The Examiner rejected claims 6, 11 and 12 under 35 U.S.C. §103(a) as being made obvious by *Kurz*. These claims, as amended, now depend either directly or indirectly upon allowable claim 5 and it is believed that these claims are patentable at least for this reason. Reconsideration of the Examiner's rejection of claims 6, 11 and 12 is earnestly solicited.

The Examiner rejected claims 13-15 and 17 under 35 U.S.C. §103(a) as being unpatentable over *Kurz* in view of either U.S. Patent No. 4,705,717 (*Cain et al.*) or U.S. Patent No. 4,281,802 (*Burley*). These claims, as amended, now depend either directly or indirectly upon allowable claim 4 or 5 and it is believed that these claims are patentable at least for this reason. Reconsideration of the Examiner's rejection of claims 13-15 and 17 is earnestly solicited.

In response to the non-statutory double patenting rejections in the Office Action dated April 20, 2005, Applicant enclosed two terminal disclaimers, one covering U.S. Patent No.

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6,248,433 and the other for U.S. Patent No. 6,632,516. Applicant notes that the terminal disclaimer for 6,248,433 has somehow failed to reach its destination in the electronic file. Therefore, Applicant has enclosed a Terminal Disclaimer referring to US Patent No. 6,248,433. The Terminal Disclaimer fee under 37 CFR § 1.20(d) is also enclosed and as indicated in the Fee Transmittal form, the Director is hereby authorized to charge the fee to deposit account No. 19-5113.

In the event that there are any questions concerning this amendment or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

RESPECTFULLY SUBMITTED,

Date: October 27, 2005By: 

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Encls.: Transmittal form (1 page)
Fee transmittal form (1 page)
PTO/SB/26 Form (1 page)

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office central fax number (571) 273-8300 on the date shown below.

Nicolas PELLEMANS, REG. NO. 38,797*Name of person signing certification*

Signature

October 27, 2005

Date